

Appln. No. 09/766,972

Attorney Docket No. 10541-1959

II. Remarks

Reconsideration and reexamination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1, 6, 8, 11, and 16 are being amended; claims 5, 14, and 18-20 are being cancelled; and claims 21-24 are being added. Accordingly, after entering this amendment, Claims 1, 4, 6-11, 13, 15-17, and 21-24 are pending.

Further Claim Clarifications

Prior to discussing the cited references, it is believed that a brief discussion on the current form of claims 6, 8, and 16 is warranted. These claims have been amended to clarify, more particularly to point out and distinctly claim that which Applicants regard as the subject matter of the present invention.

Claims 6 and 11 have been amended to recite that the two parallel sheets of glass define a second gas-filled cavity. Figure 4 and the paragraph beginning on line 13, page 11 of the original Application as filed disclose a gas-filled gap, and therefore no new matter has been added.

Claims 8 and 16 have been amended to refer to the second gas-filled cavity recited in claims 6 and 11 respectively. No new matter has been added.

Furthermore, claims 21-24 have been added to clarify, more particularly to point out and distinctly claim that which Applicants regard as the subject matter of the present invention.

Claims 21 and 23, which depend from claims 1 and 11 respectively, recite that the energy efficient insulator includes a second surface defining the gas-filled cavity, and that the surface and the second surface are substantially parallel with each other. Figure 2 and the paragraph beginning on line 8, page 14 in the original Application disclose two parallel surfaces defining a gas-filled cavity. Therefore, no new matter has been added. None of the cited references disclose a pair of substantially parallel surfaces defining a gas-filled cavity. Therefore, claims 21 and 23 should be passed along to allowance.

Claims 22 and 24, which depend from claims 21 and 23 respectively, recite that the gas-filled cavity includes argon. The paragraph beginning on line 8, page 14 in the original Application discloses argon located within the gas-filled cavity. Therefore, no new matter has been added. None of the cited references disclose a

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pair of substantially parallel surfaces defining a cavity including argon. Therefore, claims 22 and 24 should be passed along to allowance.

Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected Claims 1, 4, 5, and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Sato et al* (U.S. Patent No. 6,334,252) in view of *Hesch* (U.S. Patent No. 6,561,562) and *Farmer et al* (U.S. Patent No. 4,973,511).

Claim 1 has been amended to recite that the energy efficient insulator includes *a surface defining a gas-filled cavity*. As stated by the Examiner, *Sato et al* and *Farmer et al* do not disclose an energy efficient insulator. Additionally, *Hesch* does not teach an energy efficient insulator including a surface defining a gas-filled cavity. *Hesch* discloses a plurality of panels 12 comprised of natural fibers, Styrofoam, or a hard plastic. (*Hesch*, col. 5, lines 47-55, Figure 1). However, the Styrofoam and other materials disclosed by *Hesch* do not include gas-filled cavities defined by a surface. Therefore, claim 1 is not anticipated by *Hesch*.

Furthermore, there is no motivation to combine the three references, and therefore it would not be obvious to modify *Sato et al* in view of *Hesch* and *Farmer et al* in order to disclose the elements of claim 1. *Sato* discloses an aluminum floor assembly in order to reduce heat transmission from component welding, but does not discuss using a thermally efficient structural material to reduce thermal mass of the vehicle during vehicle use. (*Sato*, col. 33, lines 24-26). Furthermore, *Sato* does not discuss combining its floor panel with other thermally efficient components, such as insulator panels or thermally efficient windows. *Hesch* does not disclose combining the insulating panels with other thermally efficient components, such as thermally efficient windows and thermally efficient structural material. Furthermore, *Farmer et al* does not disclose combining the thermally efficient windows with other thermally efficient components, such as thermally efficient structural material and insulating panels. Therefore, because the three references are of non-analogous arts, no motivation exists to combine such references.

Claims 4 and 10 depend from claim 1. Therefore, for the reasons discussed above, claims 1, 4, and 10 should be passed along to allowance.

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The Examiner rejected Claims 6-9, 11, and 13-20 under 35 U.S.C. § 103(a) as being unpatentable over *Sato et al* in view of *Hesch*, *Farmer et al*, and *Lisec* (U.S. Patent No. 5,173,148).

Claims 6 and 9 depend from claim 1. Therefore, for the reasons discussed above, claims 1, 4, and 10 should be passed along to allowance.

Claim 11 has been amended to recite that the energy efficient insulator includes a *surface defining a gas-filled cavity*. As stated by the Examiner, *Sato et al*, *Farmer et al*, and *Lisec* do not disclose an energy efficient insulator. Additionally, *Hesch* does not teach an energy efficient insulator including a surface defining a gas-filled cavity. *Hesch* discloses a plurality of panels 12 comprised of natural fibers, Styrofoam, or a hard plastic. (*Hesch*, col. 5, lines 47-55, Figure 1). However, the Styrofoam and other materials disclosed by *Hesch* do not include gas-filled cavities defined by a surface. Therefore, claim 11 is not anticipated by *Hesch*.

Furthermore, there is no motivation to combine the four references, and therefore it would not be obvious to modify *Sato et al* in view of *Hesch*, *Farmer et al*, and *Lisec* in order to disclose the elements of claim 1. *Sato* does not discuss combining its floor panel with other thermally efficient components, such as insulator panels or thermally efficient windows. *Hesch* does not disclose combining the insulating panels with other thermally efficient components, such as thermally efficient windows and thermally efficient structural material. Furthermore, *Farmer et al* and *Lisec* do not disclose combining the thermally efficient windows with other thermally efficient components, such as thermally efficient structural material and insulating panels. Therefore, because the four references are of non-analogous arts, no motivation exists to combine such references.

Claims 13 and 15-17 depend from claim 11. Therefore, for the reasons discussed above, claims 11, 13, and 15-17 should be passed along to allowance.

Claims 5, 14, and 18-20 have been cancelled. Therefore, the Examiner's rejections are moot with respect to these claims.

Conclusion

In view of the above remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Therefore, Applicants request that the

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Examiner grant early allowance of these claims. The Examiner is invited to contact the undersigned attorney for the Applicants via telephone number (734) 302-6000, if such communication would expedite this application.

6/3/04
Date

Respectfully submitted,


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